

B / en



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: LIVAK et al.

Application No.: 09/816,150

Art Unit: 1637

Filed: March 26, 2001

Examiner: Fredman, J.N.

For: IMPROVED INVASION ASSAY

Attorney Docket No.: 9584-018-999  
(JD 103639-999017)

**COMMUNICATION REGARDING NOTICE OF DRAWING INCONSISTENCY**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is in response to the Notice of Drawing Inconsistency with Specification ("the Notice") issued August 11, 2005 in connection with the above-identified application. The Notice indicates that "Figure 8," while listed in the Brief Description of Figures in the specification, was not submitted to the United States Patent & Trademark Office, and requires Applicants to submit the figure.

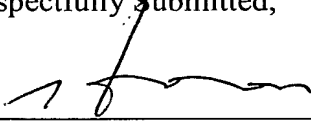
However, Applicants respectfully point out that they filed a preliminary amendment on January 16, 2003, removing all references to "Figure 8" from the specification because Figure 8 is not necessary to understand or practice the claimed invention. A copy of the preliminary amendment and stamped postcard is submitted herewith for reference.

Consequently, Applicants respectfully request that the preliminary amendment be entered into the record and the requirement for submission of Figure 8 be withdrawn.

No fee is believed to be due for the submission of this statement. If any fees are required for the submission of this paper or to avoid abandonment of this application, please charge such fees to Jones Day Déposit Account No. 503013. A copy of this sheet is enclosed.

Respectfully Submitted,

Date: September 2, 2005

  
\_\_\_\_\_  
Hoon Choi (Limited Recog. No.)  
**Jones Day**  
51 Louisiana Avenue, N.W.  
Washington, DC 20001-2113  
(202) 879-3939

For: Samuel B. Abrams (Reg. No. 30,605)  
**Jones Day**  
222 East 41<sup>st</sup> Street  
New York, NY 10017-6702  
(212) 326-3939

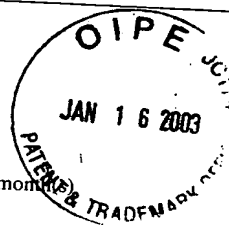
Enclosure



Express Mail No. Hand Carry First Class Mail ( )  
Date Mailed Jan 16, 2003  
Serial No. 09/816,150  
Inventor Liwak et al Filed March 26, 2001  
For Improved Invention Assay

- ( ) Affidavit/Declaration  
( ☒ ) Amendment ( ) Response Prelim.  
( ) Application \_\_\_\_\_ pages  
( ) \_\_\_\_\_ claims \_\_\_\_\_ drawing sheets  
( ) Assignment ( ) Cover Sheet  
( ) Brief (in triplicate)  
( ) Declaration & Power of Attorney  
( ) Executed ( ) Unexecuted ( ) Copy  
( ) Declaration of Inventor(s)  
( ) Executed ( ) Unexecuted ( ) Copy  
( ) Design Application  
( ) Disclaimer ( ) Disclaimer Fee  
( ) Disclosure Statement ( ) Form PTO-1449  
( ) w/refs. ( ) w/o refs.  
( ) Drawings, Formal  
\_\_\_\_\_ Sheets \_\_\_\_\_ Figures

- ( ) Fee Address Indication Form  
( ) Fee Calculation  
( ) Issue Fee Transmittal  
( ) Notice of Appeal  
( ) Oral Hearing Request/Confirm  
( ) Petition to Extend Time \_\_\_\_\_ months  
( ) Petition under 37 C.F.R. \_\_\_\_\_  
( ) Power of Attorney  
( ) by Assignee ( ) Associate ( ) with Revocation  
( ) Request for Correction of Filing Receipt  
( ) Sequence Listing w/Computer Readable and Paper Copy  
( ) Small Entity Statement  
( ) Status Letter  
( ) Transmittal Letter



Other: \_\_\_\_\_

File No. 9584-018 Sender: SBA/MXB/102